

Credits, General Revenue Fund, Year Ending August 31, 1930.

Gross receipts taxes arising from the levy of 30c on the \$100.00 assessed valuation of \$4,210,105,462, amounting to.....	\$12,630,316.38
Less estimated amount of taxes that is remitted to the various counties...\$1,136,241.96	
Less amount to cover assessing, collecting and delinquents.....	2,292,909.24 3,429,191.20 \$ 9,201,165.18
Estimated receipts from all sources other than tax on property based on the sums received for the fiscal year ending August 31, 1929.....	14,131,962.51
Total estimated receipts for the fiscal year ending August 31, 1930.....	\$23,333,127.69
Less the amount that has been collected to January 15, 1930	6,553,685.87
Total estimated receipts for the remainder of the fiscal year ending August 31, 1930.....	\$16,779,441.82
Estimated cash deficit September 1, 1930.....	501,737.45
Total	\$17,281,179.27

In compiling this statement I have not taken into consideration any increase, nor have I deducted for any decrease, in the collection of taxes for the present fiscal year. The figures shown above as to the amount of warrants that have been issued and receipts that have been collected are taken from the records of this office from September 1, 1929, to January 15, 1930.

The estimated cash deficit that is shown September 1, 1930, is taken into consideration that all of the appropriations above mentioned will be expended. However, the past records have shown that there is an amount of appropriations that lap over from one fiscal year to another, and I would judge that the same conditions will exist this year.

I agree with the statement as reported by Hon. W. Gregory Hatcher, State Treasurer, as to there being a cash deficit of approximately \$3,176,297.00 January 15, 1930, as shown by the records of this department.

I hope the above information will serve its purpose, and at any time I can be of service to you, command me.

With kindest personal regards, I am,

Yours very truly,

S. H. TERRELL,
State Comptroller of Public Accounts.

ADJOURNMENT.

Mr. Van Zandt moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Johnson of Dimmit moved that the House recess to 11 o'clock a. m. tomorrow.

The motion of Mr. Van Zandt prevailed and the House, accordingly, at 1:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

SECOND DAY.

(Tuesday, January 21, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Conway.
Acker.	Cox of Lamar.
Ackerman.	Cox of Limestone.
Adkins.	Davis.
Albritton.	DeWolfe.
Allred.	Dunlap.
Anderson.	Duvall.
Avis.	Enderby.
Baker.	Eickenroht.
Baldwin.	Farrar.
Barnett.	Finn.
Bateman.	Finlay.
Beck.	Forbes.
Bond.	Gates.
Bounds.	Gilbert.
Bradley.	Giles.
Brice.	Graves
Brooks.	of Williamson.
Carpenter.	Graves of Erath.
Chastain.	Hardy.
Coltrin.	Harding.

Harman.	Patterson.
Harper.	Pavlica.
Harrison.	Petsch.
Heaton.	Prendergast.
Hefley.	Purl.
Hogg.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Renfro.
Hubbard.	Richardson.
Johnson	Riley.
of Dallam.	Rountree.
Johnson	Sanders.
of Dimmit.	Savage.
Johnson of Smith.	Shaver.
Justiss.	Shelton.
Kayton.	Sherrill.
Keeton.	Simmons.
Keller.	Snelgrove.
Kennedy.	Speck.
Kincaid.	Stephens.
King.	Stevenson.
Lee.	Storey.
Loy.	Tarwater.
Magee.	Tillotson.
Mankin.	Van Zandt.
Marks.	Veatch.
Maynard.	Waddell.
McCombs.	Wallace.
McGill.	Walters.
Mehl.	Warwick.
Minor.	Webb.
Moore.	West.
Morse.	Westbrook.
Mosely.	Williams
Mullally.	of Hardin.
Murphy.	Williams
Negley.	of Travis.
Olsen.	Woodruff.
O'Neill.	Young.
Palmer.	

Absent.

Fuchs.	Montgomery.
Johnson of Scurry.	Nicholson.
Jones.	Pool.
Kenyon.	Pope of Jones.
Kinnear.	Pope of Nueces.
Lemens.	Reid.
Long of Houston.	Rogers.
Long of Wichita.	Turner.
Martin.	Wiggs.
Mauritz.	Williams
McKean.	of Sabine.
Metcalfe.	

Absent—Excused.

Ewing.	McDonald.
Hines.	Sinks.
Jenkins.	Strong.
Kemble.	Thompson.
Land.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Hines, Mr. Kemble and Mr. Thompson for today, on motion of Mr. Morse.

Mr. Land for yesterday and today, on motion of Mr. Tarwater.

Mr. Simmons for yesterday, on motion of Mr. Holder.

The following members were granted leaves of absence on account of illness:

Mr. McDonald for today, on motion of Mr. Farrar.

Mr. Jenkins for today and the balance of the week, on motion of Mr. Ackerman.

TYPISTS APPOINTED.

The Speaker announced the appointment of the following typists: Jennie King Russell, Annie Dry, Ola Darby, Mrs. R. N. McCann, Charles Benton.

STENOGRAPHERS ANNOUNCED.

The Speaker announced the appointment of the following stenographers: Alice Brown, Edna Stone, Pearl Creed, Sam Harwell, Bess Elkins, Lila Smith, Lillian Balew, Blanche Buckley, Pearl Williams, Mrs. Marguerite Z. Wilson, Norine Nachtrab, Mrs. Elsie Rupert, Mrs. Ed. Kilman, Winona McNeely, Mrs. Pearl Giles, Edna Suttle, Lina Jenkins, Edith Bibolet, Alice Sellers, Mrs. Mary Hopkins, Mrs. Florence Bidding, Ruth Hey, Elsie Merryman, Augusta Hirsch.

EMPLOYES ANNOUNCED.

The Speaker announced the appointment of the following porters: Rufus Pope, Joe E. Johnson, Charles Williams, Lewis Gilbert, Henry Blair, John A. White, Isaiah Smith, Henry Moore, M. T. Piper, Madison Dabney, John Reeder (shine porter), Joe Kimble, R. D. Gilmore.

PAGES APPOINTED.

The Speaker announced the appointment of the following pages: Ray Sanders, Reginald Rasor, Harper Ledbetter, Ben King, John Lee Smith, Jr., Gates Steen, Charles Bergman, Leslie Robinson, Marigold Rollins (page to Mrs. Moore and Mrs. Negley).

EMPLOYES APPOINTED.

The Speaker announced the appointment of the following employees:

Parliamentarian to the Speaker,
Oveta Culp.

Private secretary to the Speaker,
Maude Nowlin.

Clerk for the Speaker's office, Sumner
Ramsey.

Porter to the Speaker, Joe Kemble.

Secretary to the Chief Clerk, Madge
Baker.

Clerk to the Chief Clerk, James Wig-
inton.

Clerk to the Committee on Contingent
Expenses, Jessie Neal.

Warrant clerk, Mrs. Clyde Rudasill.

Assistant to Journal Clerk, Gussie
Harold Evans.

Assistant to Calendar Clerk, Burck
Smith.

Doorkeeper for bar of House, Hubert
L. Faulk.

Head stenographer, J. G. Ross.

Pages for doorkeepers, Jack Otting,
Olin Crow, Gilbert Hollingsworth.

Secretary to Mr. Van Zandt of Gray-
son county, Mrs. Van Zandt.

Bookkeeper to the Sergeant-at-Arms,
J. T. Hamilton.

Storekeeper to the Sergeant-at-Arms,
Billy Davis.

Clerk to the Sergeant-at-Arms, Jesse
Hellums.

Superintendent of House, Mrs. Dickin-
son.

Mailing clerk, Lucy Reed.

Assistant mailing clerk, Charles
Kramer.

Night watchman, Boling Stanley.

Elevator man, Lynwood Boyett.

Messengers to carry papers to Con-
federate Home, D. W. Campbell, John
Parnell.

Messengers to carry papers to Wom-
en's Confederate Home, W. Thompson,
J. O. Bradfield.

Head porter, George Hunt.

Chief operator for voting machine,
Lawrence Ledbetter.

Assistant operator for voting machine,
A. M. Gribble.

Mimeograph operator, Aaron Taylor.

Telephone and telegraph clerk, Ross
Terry.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 21, 1930.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

H. C. R. No. 1, Providing for the Leg-

islature to visit the State penitentiary
system, with amendment.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 1 WITH SENATE AMEND- MENTS.

Mr. Bradley called up from the Speak-
er's table, with Senate amendments, for
consideration of the amendments,

H. C. R. No. 1, Providing for inspec-
tion trip to penitentiary.

The Speaker laid the resolution be-
fore the House and the Senate amend-
ments were read.

On motion of Mr. Bradley the House
concurred in the Senate amendments.

EXTENDING SYMPATHY TO HON. N. R. STRONG.

Mr. Van Zandt offered the following
resolution:

Whereas, Our esteemed colleague and
honored citizen, Col. N. R. Strong, has
been stricken with an illness which is
confining him to the hospital at Temple,
Texas; therefore, be it

Resolved, That we, the members of the
House of Representatives of the Forty-
first Legislature, in Fourth Extraordi-
nary Session assembled, extend to Col-
onel Strong our sympathy and best
wishes for a speedy recovery.

Signed—Van Zandt, Palmer.

The resolution was read second time
and was adopted unanimously.

INVITATION TO ATTEND RECEPTION AT DRISKILL HOTEL.

Speaker Barron presented Senator
John W. Hornsby of Travis county, who
extended an invitation to the members of
the House to attend a reception, given
in honor of the members of the Legisla-
ture at the Driskill Hotel, at 8 o'clock
p. m. today.

The House accepted the invitation.

RELATIVE TO LEASE OF LAND OF TRAVIS COUNTY COURTHOUSE.

Mr. Giles offered the following reso-
lution:

H. C. R. No. 2, Relative to Travis
county courthouse lease.

Whereas, The State of Texas, on the
4th day of May, 1874, leased to Travis
county for a period of 99 years, one-
half block of land, part of the State-
owned tract upon which the Capitol is
situated, the same being the half block

facing upon Congress Avenue, immediately in front of the Capitol, and between the executive mansion and the present State office building; and

Whereas, Said lease provides that the State may, at any time when in the judgment of the Legislature, the interest of the State requires that the tract shall be returned to the State's possession, cancel the said lease, upon compensation to the county for the remaining value of the courthouse buildings upon the property; and

Whereas, The State Capitol building and other State buildings now are badly overcrowded, and the State is paying annually large sums for rental of office space in Austin buildings; and

Whereas, In the near future the State will require said courthouse site for the location of structures for its own use, or will be forced into the promiscuous and expensive renting of still greater amounts of office space; and

Whereas, The county of Travis, through its commissioners court has entered into a contract for construction of a large courthouse and jail, the same proposed to be erected on the State property immediately in front of the Capitol, unless the Legislature at an early date exercises its right to cancel the said lease; and

Whereas, It has been shown that the erection of a large jail and courthouse immediately in front of the Capitol, and on the State's land, would interfere with the State's future use of the land set aside for its needs, would impair the proper and efficient grouping and co-ordination of the State's buildings, and would distract from the symmetry, arrangement, convenience and dignity of the State buildings; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That (1) a committee composed of four members of the House of Representatives, to be appointed by the Speaker and three members of the Senate, to be appointed by the President of the Senate, be, and the same is hereby authorized and created, and empowered and directed to investigate, ascertain and report to the Legislature as early in this session as practicable the following:

(a) Present condition of over-crowding of the State Capitol and State office buildings in Austin; the amount of office space now being rented by the State in Austin, and the annual cost thereof, being paid out of public funds;

(b) Present true value of improvements owned by Travis county upon said leased courthouse site, as may be determined under terms of the lease contract;

(c) What blocks of land are now owned by the State of Texas within the business or industrial section of Austin which are not being used to economic advantage, and so situated at a distance from the Capitol to be unsuited for use by the State for future State office buildings, but which may be deemed suitable for a county courthouse site;

(d) Whether it is deemed desirable, in the judgment of the committee, based on such investigation, to tender fee simple title of one of such blocks of land owned by the State to Travis county, in lieu of cash compensation of an approximately equivalent amount, for such courthouse properties, to the end that such unused State land not suitable for State purposes may be put to the best constructive uses.

Said committee is hereby empowered to do all the things necessary to conduct and complete such investigation and file said report.

In view of the fact that a large portion of the time of Travis county district courts is occupied in the transaction of State cases whose venue is fixed therein by law, and of the fact that jury fees, in a single State case, borne by the county, have exceeded \$1500, and that there are now pending 78 such State cases on the dockets of Travis county district courts, involving future large expenditures by the county, thus making the establishment of an adequate, permanent courthouse one of State concern; and

In view of the fact that Travis county has pending a contract for the construction of a courthouse on the said State tract adjoining the Capitol, and being a part of the Capitol campus, unless said existing lease shall be cancelled at an early date, as provided by law, it is imperative that the joint committee herein provided be immediately appointed and directed to conduct the said investigations and to report back as early in this session as practicable, so that the Legislature may take such action as may be deemed by it in the best interest of the State of Texas.

The resolution was read second time and, on motion of Mr. Webb, was referred to the Committee on Public Lands and Buildings.

COMMITTEE IN COMPLIANCE WITH
HOUSE CONCURRENT RESOLU-
TION NO. 1.

The Speaker announced the appointment of the following committee in regard to making inspection trip to penitentiary:

Messrs. Bradley, Shaver and Petsch.

PROVIDING FOR ADDRESS BY HON.
DAN MOODY, GOVERNOR.

Mr. Wallace offered the following resolution:

H. C. R. No. 3, Providing for address by Hon. Dan Moody.

Whereas, The members of the Legislature are desirous of hearing the Governor speak; therefore, be it

Resolved, That the House of Representatives, the Senate concurring, invite Governor Moody to address a joint session of both houses today at 11 o'clock in the House of Representatives.

Signed—Wallace, Savage, Holder, Graves of Erath, Sanders, Conway, Gilbert.

The resolution was read second time and was adopted.

REQUESTING GOVERNOR TO SUB-
MIT CERTAIN SUBJECT FOR
LEGISLATION.

Mr. Shaver offered the following resolution:

H. C. R. No. 4, Requesting Governor to submit certain subject:

Whereas, Through the public press and by statements of officials of State supported colleges, a serious condition has apparently developed with respect to their operation, and particularly their summer schools, due to the lack of funds; and

Whereas, It is necessary that the heads of these institutions know at this time what funds will be available in order to prepare their plans for summer school work, and thereby prevent large numbers of their instructors from securing employment elsewhere for the summer session; and

Whereas, It is a well established fact that Summer Schools have become a necessity to a large number of public school and college teachers in order to meet the requirements of the Legislature for continuance of certificates to teach; and

Whereas, This situation is particularly acute as well as universal in all of the State colleges, creating a statewide educational problem, that it is the sa-

cred duty of the Legislature to consider; therefore, be it

Resolved by the House, the Senate concurring, That we respectfully call this condition to the attention of the Governor as one which demands prompt and immediate remedy, and we most respectfully suggest and urge that the subject of summer school appropriations be submitted to this Special Session immediately, since it is of such paramount importance, and that we may make some proper disposition of this matter before considering any other legislative appropriations whatever, in view of the necessity which has arisen due to the condition of the State's finances as reported by the Comptroller of the Treasury.

Signed—Shaver, Warwick, Williams of Travis, Dunlap, Stevenson, McCombs, Hopkins, Young, Tarwater, Pool, Beck, Sanders, Conway.

The resolution was read second time. On motion of Mr. Harper, the resolution was referred to the Committee on Education.

RELATIVE TO CONSTRUCTION OF
CERTAIN BRIDGES OVER RED
RIVER.

Mr. Loy offered the following resolution:

H. C. R. No. 5, Relative to certain bridges over Red River.

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that

Whereas, The States of Texas and Oklahoma have enacted statutes and have made appropriations to construct and purchase bridges over boundary streams to bring about free commerce and travel as between the said States, and now own a free bridge over Red River as between said States; and

Whereas, For several months efforts have been made and are now being made to bring about the construction of free bridges across Red River as between said States, and suits at law in various courts, Federal and State, are now pending and additional litigation threatened to prevent the construction of free bridges by said States over Red River by reason of the question of boundary and Federal ownership of a strip of territory along the border as between said States; and

Whereas, There is now pending in our National Congress a bill the provisions of which will authorize the said two States to construct free bridges over Red River, and will eliminate any Fed-

eral question as to Federal ownership of any boundary territory to interfere with such construction; and

Whereas, Such litigation and threatened litigation have seriously delayed and will doubtless delay the construction of free bridges by the States of Texas and Oklahoma, and are now hindering and preventing the road construction programs in Grayson county and other counties of this State; and

Whereas, The Hon. Sam Rayburn, who is a member of Congress from Texas, is a member of the Committee on Interstate and Foreign Commerce before which the aforesaid bill authorizing the two States mentioned to construct free bridges, is now pending; and

Whereas, Said bill is of much importance as aforesaid and has been pending for several weeks and no action had thereon; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Congressman Sam Rayburn, as a member of the Committee on Interstate and Foreign Commerce, be urged to use his best efforts as a member of said committee to bring forward said bill for immediate consideration by said committee and that he aid in bringing forward a favorable report thereon, and that it is the sense of this Legislature that members of the Congress from Texas take steps to have said bill passed as soon as same may be reasonably done; and be it further

Resolved, That it is the sense of this Legislature that the matter of free bridges for public travel into and out of our State is a matter of great importance and for the public good and that the construction of free bridges and the purchase of toll bridges and making them free bridges by the commissions of our State and adjoining States is to be commended in the interest of agricultural, commercial and professional advancement in our State.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, January 21, 1930.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 3, Inviting Governor Dan Moody to address joint session at 11 o'clock today.

S. B. No. 2, A bill to be entitled

"An Act appropriating \$150,000 to pay mileage and per diem and expenses of Fourth Called Session of the Forty-first Legislature."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

ADDRESS BY HON. DAN MOODY, GOVERNOR.

In accordance with provisions of H. C. R. No. 3, providing for a joint session to hear an address by Hon. Dan Moody, Governor, the honorable Senators, escorted by A. W. Holt, Sergeant-at-Arms of the Senate, appeared at the bar of the House and being announced, were escorted to seats prepared for them along the aisle.

Lieutenant Governor Barry Miller, being invited, occupied a seat on the Speaker's stand.

The following members were appointed to escort Hon. Dan Moody to the Speaker's stand:

Messrs. Justiss, Warwick, Hopkins, Stevenson and Baldwin.

The committee having performed their duty, Speaker Barron presented Governor Moody.

Hon. Dan Moody then addressed the assemblage and presented the following message:

To the Members of the Forty-first Legislature:

In compliance with the provision of the Constitution making it the duty of the Governor, at the beginning of each session, to address the Legislature on "the condition of the State" and recommend such measures as he may deem expedient, I herewith submit the following:

The following figures dealing with the present fiscal condition of the State government are furnished by the Comptroller's Department, and are as of January 15, 1930. The amount of appropriations made for the fiscal year is the sum of \$23,353,592. No deficiency appropriations have been authorized by me since the last session of the Legislature. The amount of prior appropriations, made for past years, against which warrants had not been drawn, to January 15, 1930, is \$1,014,789.17. The total of these two figures, or the sum of \$24,368,381.17, less the sum of \$7,403,332.01, being the amount of the warrants drawn against the appropriations for the present year, represents the amount of money which may be drawn against the income of the State during

the remainder of the present fiscal year; that is to say, \$16,965,409.16 represents the total amount which may be drawn against the general fund under present appropriations. It is estimated that the receipts for the fiscal year ending August 31, 1930, will be \$23,333,127.69, of which \$6,553,685.87 has been heretofore collected, leaving the estimated income to be collected during the remainder of the present fiscal year at \$16,779,441.82. The balance in the general revenue fund on December 31, 1929, according to the Treasurer's report, was \$109,126.54, and the amount of warrants outstanding against this balance was \$2,740,165.43. The Comptroller estimates that the general revenue fund will show a deficit at the end of the present fiscal year in the sum of \$501,737.45, if all appropriations are expended; that is, that you have appropriated that much over what the tax rates will yield. But warrants are never drawn for all of the appropriations during the fiscal year for which they were made; in fact, many appropriations are never completely expended, and it is safe to say that there will be a cash balance to the credit of the general revenue at the end of the present fiscal year. In fixing the existing tax rate, an effort was made to fix a rate that would pay outstanding appropriations, without fixing the rate so high as to create a surplus, and in my judgment the rate will yield a fund sufficient to pay the amount of the appropriations which are now outstanding.

I desire to call to your attention some of the accomplishments of the Fortieth and Forty-first Legislatures. Many of the members of the Fortieth Legislature are members of the present Legislature; this fact and the number of measures that were initiated by the former to be carried forward by the latter justify a recounting of the accomplishments of both. Let us take stock of what has been done:

It is needless for me to here describe the political atmosphere of the State at the time of the convening of the Fortieth Legislature, because that is a matter of such recent history that it is well remembered by each of you. Whatever may have been the different estimates that men held of the opportunity which the Fortieth Legislature had for substantial achievement, or whatever may have been regarded as its obstacles, it did accomplish many worth-while purposes, and especially is this true with respect to its enactments in the fields of educational and highway legislation. And this is also true of the present Leg-

islature, as I shall point out. Both have enviable records in these fields.

Education.

From the time our Constitution was adopted, and even before, it was the State's ambition to secure a six months' term for all of the public schools of this State, and for years it had been the hope of ardent friends of education to secure for the public schools a per capita apportionment from State funds equal to \$15.00. The Fortieth Legislature made increased appropriations for rural aid, and the distribution of this fund was so arranged that in the 1927-28 and 1928-29 sessions every school in Texas that qualified to receive rural aid was allotted sufficient funds from State sources to run a six months' term, and schools having local funds to meet the cost of the additional term were able to have more than a six months' term. This had never been done before in Texas. It was the Fortieth Legislature that first made it possible for every rural aid school to run for a six months' term. The desire for a \$15.00 per capita apportionment was realized for the first time under acts of the Fortieth Legislature and during the school years 1927-28 and 1928-29 the schools of this State were paid from State funds a per capita apportionment of \$15.00. This was the best support the schools had ever received and it meant better paid and, therefore, better equipped and more contented, teachers in charge of the schools. Better salaries mean better teachers, and better teachers mean better schools; and these acts of the Fortieth Legislature were responsible for a remarkable increase in the average salaries paid the teachers in the public schools of Texas. The town and city schools have long had finances to support a six months' term of school and the salaries of teachers in these schools have been considerably above those paid in the rural schools, but during the two years mentioned every rural school which qualified for rural aid received a six months' term and more funds were available for the employment of better trained teachers in the rural schools.

Provision was made to give every child who lived in a school district that did not have a high school, and who was ready to enter high school, an opportunity to attend a high school in another district without paying tuition. In the practical operation of the law the children or their parents generally had theretofore had to pay the expense of

tuition, but through the action of the Fortieth Legislature it was possible for the State to pay the tuition of children residing in such districts while attending high school in districts other than their home district. This gave thousands of boys and girls an opportunity of attending high schools without the added cost of tuition, which means that many children had the opportunity to attend high school who would otherwise have been denied the privilege. These were two practical and worth-while steps toward giving the children in rural sections an equal opportunity in educational advantages with the children living in cities and towns. They are achievements in which every member of the Legislature may well take pride.

This work of the Fortieth Legislature has been carried forward and enlarged upon by the present Legislature. The public school system is receiving the greatest financial support this year that it has ever received, and the Forty-first Legislature is responsible for the most liberal appropriations ever made for public education in Texas. The per capita apportionment has been advanced from \$15.00 to \$17.50. This may have been dreamed of, but five years ago it was not expected, for even that recently the per capita apportionment was only \$12.00. The rural aid appropriation is greater than ever before. It will insure the payment of high school tuition for children who live in districts not supporting a high school and, in addition to that, it will insure at least a six months' term, and perhaps a longer term, for every rural aid school in the State.

Text Books.

Text books have long been a source of considerable expense to the public school funds of Texas. From an average annual per capita cost of \$1.63 during the first seven years of free text books, this cost was reduced in 1927-28 to 91 cents, and in the school year 1928-29 to 95 cents. This means a reduction of 70 cents per school child for each of the nearly million and a half school children of Texas, or a saving of nearly \$1,000,000 a year over the average cost per year for the seven years mentioned. The Fortieth Legislature enacted amendments to the free text book law requiring that text books could not be sold to this State at more than the lowest wholesale price at which the publisher sells the books at its factory. The publishers had been adding to the fair price of the books the cost

of freight, handling, storage, etc. These costs can no longer be charged against the school fund of this State and, to my best information, Texas is now buying its textbooks at a lower cost than the cost to any other State. It is estimated that this amendment to the text book law passed by the Fortieth Legislature will net the State an annual saving of approximately \$200,000 in its text book bill.

The policy of rebinding used text books was adopted and it proved a measure of economy to the school fund. It is estimated by the Department of Education that this rebinding saves the school fund about a quarter of a million dollars per year. When the first rebinding contract expired a new contract was let, and this contract, recently awarded, is at even a lower figure than the first and should result in a larger saving than did the first. The more money saved in the text book expenses, the more money we have to otherwise support our schools.

The Fortieth Legislature submitted a proposed amendment to the Constitution providing for the creation of a State Board of Education. This amendment received a favorable vote, and it was given effect through an act of the Forty-first Legislature. The Board created by this act has a great opportunity to work improvements in our State educational system. One of its duties is to make recommendations for the unification and co-ordination of the work of our institutions of higher learning. The Text Book Commission, which changed every two years, has been abolished and the Board of Education has been given the duty of purchasing the text books for our schools. This important part of the State's business will not hereafter be placed in new and inexperienced hands every two years. The terms of the members are overlapping, and this should insure a continuity of policy and make certain that at all times we will have at the head of our educational system men and women of experience who are interested in the development of our public school system.

Universities and Colleges.

During the Fortieth Legislature a building program for our colleges and university was initiated and completed. For several years the needs of the institutions of higher learning for buildings had not been met, but in the Fortieth Legislature the need was met and these institutions were given a

building program amounting to approximately \$2,000,000. Higher education was otherwise given a larger financial support than it had ever before received.

Higher education was likewise liberally supported by your appropriations. When the amount of the appropriations made by the Fortieth Legislature for the building program is deducted, I believe it will be seen that the Forty-first Legislature has provided even more liberally than the Fortieth for the salaries and maintenance in our institutions of higher learning.

For several years the making of oil leases on University lands has been handled in a rather unsatisfactory manner, but through the vision and foresight of the Forty-first Legislature this responsibility has been very wisely placed with a committee of the Board of Regents and the Commissioner of the General Land Office. Under this arrangement this part of the University property should be better managed and should bring in added revenues for the support and upbuilding of that institution.

The problem of erecting dormitories at our State schools has been a burden upon the general revenue and a burden which could not always be met. Dormitories have been needed, but there has been very little money to build them. This Legislature passed laws authorizing our University and several colleges to issue and sell forms of debentures, the proceeds of which shall be used to construct dormitories and the debentures are to be redeemed from the revenues of the dormitories. This financing arrangement should solve the dormitory question, provide our schools with needed dormitory facilities, and relieve the general revenue of the burden of providing for that limited part of this need which it can meet.

Recognizing the tremendous development in the west and southwest area of the State, the Legislature changed the character of the College of Mines and Metallurgy and the Kingsville school, and enlarged and broadened their scope to meet the needs of those sections, and thus, I hope, averted the establishment of another teachers' college.

"It is an axiom in political science that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity of self-government."—(Texas Declaration of Independence.) We want as near an equality of educational opportunity between children in cities and towns and those in rural sections as the

physical conditions and the circumstances of our State permit. I do not hesitate to claim for the Fortieth and Forty-first Legislatures that these two Legislatures have done more for public education and for equal educational opportunity than any two Legislatures that ever convened in this State.

Courts.

I had ambitions that the Fortieth Legislature might pass great measures of reform in judicial procedure. While my ambitions in this respect were not fully realized, acts were passed in the nature of judicial reforms that were needed and beneficial.

Provision was made for the division of the State into a number of administrative judicial districts with a resident district judge as presiding judge of the administrative judicial district. Authority was given for the transfer of judges from one district to another to hold court, try cases and relieve the congestion of the dockets in overcrowded districts. This law has not been availed of in all parts of Texas, but in some parts of the State it has been used and great progress has been made in clearing congested dockets. It will in time be more universally used and will delay the necessity for additional district courts.

The Courts of Civil Appeals since the time of their creation have been closed to litigants for a period of three months each year. Regardless of the importance of the issue involved in a lawsuit or the need of an early decision, the case had to wait while the machinery of these courts stood idle for one-fourth of each year. The Fortieth Legislature passed a law providing that these courts should be regarded as in continuous and uninterrupted term and open for the dispatch of business throughout the year. The period in which the justices might be on vacation was reduced to sixty days, during which time the courts are not closed to litigants, whereas, heretofore during vacation the court could not transact any business.

It should be stated here that under the Constitution the Supreme Court and the Court of Criminal Appeals are in enforced vacation from the latter part of June of each year until the first part of the following October—one-fourth of the year. While it may be possible for one of the judges or justices to grant some extraordinary writ during this period of vacation, the courts as such are closed to the litigants. Valuable rights may

be lost by reason of the courts being closed for this long period in each year. The Forty-first Legislature has submitted a proposed amendment to the Constitution to correct this defect, and open the Supreme Court, as the Courts of Civil Appeals were opened by the act of the Fortieth Legislature. The amendment is to be voted on at the next general election. It is a much needed improvement, and the Legislature is to be congratulated for submitting the proposed amendment, and it is to be hoped that it will be favorably accepted by the electorate.

The law has long provided that the Supreme Court should once each year equalize the dockets of the Courts of Civil Appeals by transferring cases from overcrowded courts to those having the lighter dockets. These transfers were made in June, and the time fixed for the transfers was responsible for some of the delay in the submission of transferred cases because the transfer was made just before the court went on vacation. The Fortieth Legislature passed a bill providing that the transfers should be made twice a year, in June and December, and that the justices of the court to which cases were transferred should go to the court from which the cases were transferred and there hear the argument in all transferred cases. This relieved the litigants of the large expense of sending lawyers great distances to argue the cases at the site of the court to which they were transferred.

Among the amendments to the Penal Code passed by the Fortieth Legislature was one abolishing manslaughter and making all voluntary homicides murder. In my judgment, this considerably simplified the law of murder in this State and relieved juries of the necessity of trying to draw the fine-spun distinctions between a killing upon malice aforethought—called murder—and a voluntary homicide committed under the immediate influence of sudden passion—called manslaughter. These distinctions were for lawyers to quibble over and only served to confuse juries and cause judges to commit reversible errors in charges. This amendment now seems to be giving the Court of Criminal Appeals some trouble, and I anticipate that these matters will be adjusted and that we will find that the enforcement of the law against murder has been greatly simplified by this amendment.

The present Legislature did not accomplish as much in judicial reform as was accomplished by the Fortieth Leg-

islature. At one of the Called Sessions of the recent Legislature a bill was passed providing for the creation of a judicial council, and time may prove that this was the initial step toward great judicial reforms in this State. This council has been appointed and is now functioning. Similar councils have rendered signal service in other States. The council is a quasi-official body that will consider the many suggested measures of judicial reform and recommend to the Legislature, through the Governor, those that are believed to be most meritorious and essential. Heretofore so many varying measures have been advocated that our Legislatures have been lost in the confusion of many suggested laws. This council, composed of experienced, learned and patriotic lawyers, jurists and publicists, in its annual reports and recommendations, should direct us to a united program of judicial reform and to those measures that will do the most for a better administration of justice in this State.

Highways.

When the present Highway Commission took office there were \$6,200,000 outstanding unpaid obligations of the Highway Department and the State highways were in worse repair than they had been in since our program of State highways was begun. The department on January 1, 1927, just before the present Commission went into office, had on hand only \$597,628.18. To make the problem more perplexing, there was available Federal aid in the sum of approximately \$6,500,000, for one year and a part of another year, and the department did not have the income to pay its debts, meet the requirements of the Federal government for maintenance and at the same time match and secure the Federal aid. Federal aid had been held up and its withdrawal threatened because the roads had not been maintained up to prescribed standards. To meet this situation the gasoline tax was fixed at 3 cents per gallon by the Fortieth Legislature, the act providing that it should revert to 2 cents on September 1, 1928. Before September 1, 1928, every one of these outstanding obligations of the Highway Department had been met and paid. The Federal aid was secured and the roads placed in a better state of repair and maintenance than they had been in at any time in the past. Between the time the present Highway Commission took office and September 1, 1928, which was a matter

of about one and one-half years, the Highway Department contracted and actually placed under construction 396 miles of concrete road; 219 miles of bituminous hard surfaced road; 758 miles of grading and drainage construction; 64 miles of graveled highways, and 1056 miles of asphalt topped highways. More miles of all-weather highways were built during these months than in any like period of the past.

In the meanwhile, the gasoline tax had been reduced to 2 cents per gallon, where it remained for nearly a year, or until the Forty-first Legislature increased it to 4 cents per gallon. The license fee statute, as I shall later point out, has been amended by both the Fortieth and Forty-first Legislatures, reducing the amounts received from that source by the highway fund. But let me bring the figures on highway construction down to date. Since the present Highway Commission took over the department about three years ago, that is, throughout the tenure of the Fortieth Legislature and thus far into the tenure of the Forty-first Legislature, the following has been done: The Highway Department has contracted and actually placed under construction 3317 miles of grading and drainage structures; 594 miles of gravel, shell, caliche and macadam road; 495 miles of bituminous hard surfaced road; 1306 miles of concrete highway; 1518 miles of asphalt topped highway; 32 miles of roadbed widening, and this with a small amount of brick work construction, represents 7231 miles of highway work contracted and placed under construction since the present Highway Commission took office three years ago. During that time 92 bridges, over-pass and under-pass projects, have been placed under construction. This work involves a total of \$70,524,308.16.

But this is not all. Between February 1, 1927, and January 1, 1930—nearly three years—the expenditures of the Highway Department for maintenance, that is, work done by the forces of the department, and which work includes betterment work, as well as general maintenance, totaled \$30,888,250. The total expenditures and the contracts obligated since this administration came into office to the first of this year is \$101,412,558.76. This does not take into account work which was contracted by the preceding administration and paid for by this administration, nor the work contracted during 1929 which is not yet paid out, but is a statement of the activ-

ities and work done during this administration.

This represents the greatest and most substantial accomplishment in highway construction that Texas has ever seen. It involves the building of more permanent and all-weather highways than have been built in this State in any considerably longer period of time. I would not be surprised if the figures would disclose that the present commission has built more hard surface, all-weather highways in its tenure of about three years than had been built by all previous administrations of the Highway Department. It is true that more funds have been available than ever before and the State has been given the value of its money. It is a record in which one can justly take pride, and I, as a citizen of Texas, am proud of these accomplishments in highway construction.

Texas has many miles of highway that is maintained by the Highway Department. In this field of its work the Highway Department has had wonderful success, and has given us the best maintained roads we have ever ridden over in this State. The department has had its troubles, and there have been some to find fault in a petty and nagging fashion about trivial matters, but a record has been set in highway construction and maintenance that will stand unexcelled until the department is supplied with more funds. It is worth noting here, too, that much of this work has been at a lower unit cost than the State was paying for like work in past years, and at a lower unit cost than some of our cities and towns are now paying for their street improvements. I confidently state that this department of the government is efficient, and I prove the statement by the record of what it has done in three years.

The license fees on automobiles have been reduced and the proportion of this fund retained by the counties has been increased so that under the act of the Fortieth Legislature the counties received approximately one and one-half million dollars more annually from this source for lateral road development than they had received prior to this act. The additional per cent of the funds given the counties by the Forty-first Legislature from this source has considerably increased the revenue of the counties for the development of lateral roads. We want these roads improved as well as the main State highways.

For a long time Texas has been separated from some of its sister States by

toll bridges across interstate streams. The Fortieth and Forty-first Legislatures have passed adequate laws to make possible the elimination of these toll bridges and have given our Highway Department power, in co-operation with the highway departments of other States, to build free bridges across these interstate streams.

With the improvement of our highways traffic has increased tremendously, and as we build more and more good roads the traffic on the highways will steadily increase. As a precaution and protection to life and limb of the traveling public, the Forty-first Legislature made provision for traffic officers to properly police these highways. It is hoped that this will be followed by the passage of an adequate drivers' license law, and that some Legislature will make highway travel safer and give better protection to our tremendous investment in highways by placing further restrictions on the size and weight of motor vehicles that may use the public roads. Perhaps any law placing additional restrictions on the size and weight of vehicles that may legally use the roads should contain some provision postponing its effective date to allow present operators of any oversize vehicle to dispose of them or a reasonable time to wear them out.

Departments.

Two of the State departments were reorganized by acts of the Fortieth Legislature. The Insurance Department was reorganized by abolishing certain offices and substituting therefor others, so that the administration of the insurance laws of this State would be in the hands of a commission. The number of State officers was not increased, but the department was reorganized with an adequate commission of three members to see to the making of rates and enforcing the laws respecting life, fire and casualty insurance. The terms of the officers were arranged to overlap so that there would not be a complete change of the commission in any two years. This reorganization made possible the securing of the very best type of men for these places, and promises the more efficient discharge of the duties of this department.

The State Health Department, which has suffered from politics of a disconcerting variety, has been reorganized, and I believe completely removed from political interference. A new health code has been written and a State Board

of Health, with overlapping terms, has been given power to select the State Health Officer to act as executive officer of the State Board of Health. This reorganized health department should render a great service to Texas.

Thought has been given to the welfare of the soldiers of our country who served during the World War, and the Fortieth Legislature created the office of State Service Officer to assist disabled soldiers and their widows to secure compensation to which they are entitled under the provisions of the acts of Congress.

With the development of the motor car as a common carrier of passengers, the Fortieth Legislature pioneered the way among States of the Union in adopting advanced measures for the regulation of motor busses and the Forty-first Legislature did the same thing with respect to motor trucks. If these laws are wisely administered by the Railroad Commission, the standard of the service should be of the very best and the public will receive a protection that was not possible with such a public business unsupervised by laws.

The Fortieth Legislature tried to make provision in our insane asylums for all the insane of the State, but when the Forty-first Legislature met it found that the room provided had been taken, and that there were many insane people in the county jails of Texas. The Forty-first Legislature has adopted a building program for our hospitals for the insane, and adequate facilities will soon be available so that every insane person can be removed from the jails of our State. Upon this I feel that the Forty-first Legislature is entitled to the warm congratulations of the people of Texas. Recognizing that these institutions have been more nearly places of confinement than of treatment, and believing that this was in part caused by the low salaries paid superintendents and doctors, the Forty-first Legislature provided a higher schedule of salaries for superintendents and doctors in these institutions, hoping that with higher salaries better equipped men could be secured to take charge of these hospitals and that more cures would be effected, thereby reducing the number of patients and accomplishing a considerable saving.

Two forward steps were taken by the present Legislature in public health matters. One was the provision for the establishment of a cancer and pelagra hospital in order that scientific treatment might be given the many citizens who are now suffering from these

two diseases and who, due to indigency, are unable to secure proper scientific treatment. The other was the provision for the establishment of a psychopathic hospital in an effort to check the increase of insane in this State by giving treatment before it became necessary to confine patients in a hospital for the insane as wards of the State.

The office of Game, Fish and Oyster Commissioner was abolished by the Forty-first Legislature, and there was substituted therefor a non-salaried Game Commission, composed of six men, who determine the policies of the Department and select a secretary as executive officer of the Department. The terms of this Commission are overlapping, assuring a continuity of policy. This Department has been changed from a political dumping ground to an efficient and well-administered department of the State government. The Game Department may not seem important to many people, but those who are interested in wild life and realize that Texas is a natural habitat of game life see in this department the hope of perpetuating wild game life in this State for many, many years to come. If some day the Legislature will submit to the people a proposed constitutional amendment giving this Commission adequate power to fix rules regulating the hunting and taking of wild game, and the people adopt it, there is no doubt but that policies can be initiated and carried out that will mean the multiplication of wild game life in this State and its perpetuation for the pleasure of generations yet unborn. This is a subject that challenges and receives the interest and attention of many hundred thousands of the citizens of this State.

To increase the efficiency of the State government and its departments, and to advance the day when Texas would take advantage of some of the remarkable improvements in State government which other States have adopted and put into successful operation, the Forty-first Legislature established a State Auditor's Department. This department has been organized and is now functioning. It will present to this session of the Legislature its first report, which I believe will be illuminating and of service and value to the Legislature. In my judgment, this act of the Forty-first Legislature will in time save thousands and hundreds of thousands of dollars to the State.

A parole law was passed by the Legislature and has been in operation for some months. It is not an ideal law,

nor do I know that one can ever be passed. The provisions of our Constitution which operate to restrict the Legislature in the establishment of rules for the parole of convicts or otherwise attempt the exercise of legislative clemency make the enactment of an ideal parole law in this State difficult.

Prison System.

Debts of the prison system due or maturing within the next few weeks, after the convening of the Fortieth Legislature, amounted to more than \$1,750,000, and these debts were paid by appropriation of the Fortieth Legislature.

The amendment to the Constitution providing for a change in the form of management of the State prison system, which was adopted at the general election, was vitalized by an act of the Fortieth Legislature. The system of operating the properties under three commissioners, which had proved so unsatisfactory, was abolished and there was substituted therefor the managerial form of operating these properties, with a Board of Prison Directors as the policy-determining body. Under this change in the management many improvements have been effected in prison operation. The average cost of maintenance per prisoner has been reduced; the standards in type and character of guards employed has been raised; the quality of food given the prisoners has been improved; the policy of planting a better quality of cotton, together with an improved system of marketing the cotton produced, has brought the system a premium above the prevailing prices for its cotton. One year this premium amounted to more than \$100,000; schools have been instituted in the prison for the benefit of prisoners who will accept instruction. The system has been put on a budget system and legislative control exercised over the budget. The State Treasury has been made the depository for the prison funds, and the operations placed on a cash basis as compared with the credit system formerly used. The purchase of supplies is no longer made at the choice of a Prison Commission, but all supplies are bought in quantity purchases through the Board of Control on competitive bids. In other words, the system of management has been completely changed under acts passed since the constitutional amendment was adopted. The physical properties have not been changed and, therefore, notwithstanding these improvements in operations and

form of management, the prison problem remains unsolved.

The most progressive and constructive step taken by the Forty-first Legislature, in my judgment, was the passage of the law providing for the Prison Centralization Commission to investigate and make recommendations concerning prison reform in Texas, provided the work of the Commission is followed by constructive dealing with the prison problem on the part of the Legislature. Another worthy step was the creation of the committee to report on the operation of the fee system in Texas. It is to be hoped that the work of this commission and this committee are the initial steps toward two great reforms. These are the two principal subjects that prompted the call of this session and specific reference will be made to the subjects of both reports.

Tax Rates.

The total State tax rate for the year 1927, that is, for general revenue purposes, public school purposes and the Confederate pension fund, was fixed at 67 cents. The rate was fixed for the year 1928 at 64 cents. The rate for the two years totaled \$1.31, which was the lowest State tax rate for any biennium in more than a decade. The total tax rate for this year is only 68 cents. The total rate for the three years is \$1.99, or an average annual rate of 66 1/3 cents. I apprehend that difficulty would be encountered in finding any three-year period in the recent history of Texas with such a low average tax rate for State purposes. These rates will give sufficient funds to pay all warrants drawn against the appropriations.

The Fortieth and Forty-first Legislatures have justified their existence and have accomplished worth-while things for the people of Texas. I congratulate the Legislature upon its achievements. There is, however, no occasion for either of us "to rest on our oars," and I hope that in this session further needed reforms may be accomplished for the welfare of our State.

It seems to me that in our State government we cling too much to wornout forms, when others have pioneered the way and shown that new forms are far more serviceable and better in our new conditions. Texas should not hesitate to take advantage of this experience of other States. We have a fetish loyalty to things which the candid mind must acknowledge to be antiquated. It is not right to harness the State government to

the agencies of the pony express days when we live in the age of fast-moving passenger trains, automobiles, airplanes and radio. I do not care to be radical, but I had much rather have radical tendencies for the good of my State than to be a reactionary. We are living in our time and under the new conditions of our time, and not in the time of some other generation. I believe that we are living in the greatest time that the world has ever known, and the problems of our day and needs of our generation are not those of any past generation, nor could they have even been anticipated by our predecessors of a few decades ago. It grieves me when I look about and see that other State governments are making more progress and are nearer abreast the times than Texas. The history of our State, and its promise of the future, forbid that we be the Rip Van Winkle of State government. Let us realize that

"New conditions teach new duties,
Time makes ancient good uncouth,"

and take advantage of every opportunity to bring the cadence of our State government in marching time with the material development of our great State. I ask that we join hands in attempting to further improve the conditions of the five and one-half millions men and women, boys and girls, that make Texas, and in attempting to further discharge the trusts which have been reposed in us severally. I want to co-operate with the Legislature, and I ask the Legislature to co-operate with me, in an united effort to achieve beneficial things for our State.

This session is called primarily to consider the report of the Prison Commission and the report of the committee appointed to investigate the operation of the fees system in this State. Other matters will be submitted to you from time to time, but it is my purpose and hope to limit the number submitted to the fewest possible.

Report of Prison Commission.

Copies of the report of the Prison Centralization Commission have been furnished to each member of the Legislature. That report is before you for your consideration, and for such legislative action on the subject of prison reform as in your judgment may seem proper. I have advocated that the Legislature delegate to the Prison Board or to some such board or committee the power to reorganize and rebuild our prison system into a modern penal insti-

tution. Two measures involving this principle have been passed by the Legislature; one was passed in 1921, or 1923, and another was passed in 1925. Such a measure was defeated by the Fortieth Legislature, but the Senate passed it two or three times during the sessions of the Forty-first Legislature.

When the Prison Centralization Commission was created by the act of this Legislature as a compromise measure, I stated that I did not intend to differ with the Commission on non-essential matters; that I was confident that the combined judgment of a majority of this Commission was better than my judgment, or the individual judgment of any man; and that I expected to support the majority report and recommendations of this commission. I gather the impression that all members of the Commission were convinced that our prison system is a hopelessly inadequate and antiquated thing, and that a thorough reorganization is necessary.

Some men are inclined to attach great value to the farming enterprises of the system. The territory in which these farms are located is not the most successful farming section of the State, and if farming enterprises in this section had the value that some seem to believe, then I would think there would be greater farming activity there. The land belonging to the system totals about 77,000 acres, and Texas is amply able to own all of this land. The prospects for oil and gas development in and around some of the farms prompts me to say that I hope the Legislature will consider the wisdom of retaining title to this property in the State to await the development of its prospective mineral value, and make provision for its development. If the Legislature considers that some of the land should be sold, then certainly the law should provide for a reservation of the minerals in any conveyance to any part of the land.

Our prison system has proved a dismal failure from many standpoints. I assert that any business enterprise which holds the possibility of losing twenty-five per cent of its capital investment in any one year is an unsound business. The prison system this year will lose approximately \$1,250,000, or about one-fourth the value of all real and personal property owned by the system. No sensible person would continue in any private business that was attended with such hazards, and if it is not good business for private individuals it is not good business for the State. You will recall the floods which were

over the prison farms in the early summer of last year. The damage to the crops amounted to almost destruction. These floods are largely responsible for the heavy losses sustained last year. I estimate that the final account of the year's operations will show that every pound of cotton which the system was able to raise sold below the cost of production, and that it was a case of the more acres planted in cotton, the more the loss. Money made in past years on prison farms is not a standard to determine the value of farming to the system unless you also take into account the price of cotton and the weather conditions of those years. If figures I make are correct, the losses on the farms alone in the last nine years equal considerably more than half the value of these farms.

A prison should be a place where prisoners can be held and escapes prevented. The improvements for housing prisoners are pitiful, and some of them almost worthless. The prisoners escape with apparently little difficulty. Hundreds of thousands of dollars are being expended annually from the funds of the taxpayers of the State in guarding prisoners, and the cost per man for guarding amounts to almost one-half the entire cost of maintaining each man. Notwithstanding this expense, the prisoners escape, and I think it a logical deduction that the prison farms and surroundings are conducive to and encourage escapes.

The prison at Huntsville is a dilapidated, run-down and worn-out makeshift. The number and extent of frame and corrugated iron buildings within the walls is too great for any good and safe system. It makes one shudder to think what might be the result of any large fire within the walls of the State penitentiary. The facilities for caring for the men are of the most archaic type. The physical properties fit my idea of a Siberian prison. The enforcement of sanitary and health regulations is almost impossible. Nothing worth mentioning is done, or can be done, in the present surroundings for the moral reformation of the prisoner, or toward restoring him to useful citizenship. I do not believe that the greatest cost of crime is the expense of housing, guarding, clothing and feeding prisoners or that it is found in the financial statements of the penitentiary system. The great cost is in the damage sustained by owners of property through offenses committed against their property, and to persons through

offenses committed against the person. To this cost of crime is to be added the costs of courts and of convicting the violators of the law. A penitentiary system that does not have as one of its major purposes the surrounding of the prisoners with an environment that will be conducive to his reformation and to help him find his place in society as a useful citizen is not worthy to be called a prison system. I undertake to say that the Texas penitentiary system is almost totally deficient in this purpose of a prison establishment. It is my firm conviction that instead of promoting reformation of prisoners it is a place that is calculated to further degrade men and make recidivists of them. If the juries in all criminal cases could inspect the physical properties of the Texas prison system there would, in my judgment, be a greater disinclination on the part of juries to convict in criminal cases, and it is hard enough now to secure conviction for crime.

I have reached the firm conclusion that the physical properties of the Texas prison system are such that it cannot be operated with financial success over a considerable period of years, and will, therefore, continue to be a drain on the taxpayers of Texas; and further, that it will under any form of management prove a failure in the primary purpose of a prison system. I do not believe in "pampering" prisoners, and I do not believe in perpetuating an institution which I believe is calculated to produce criminals. I further believe in facing the fact that our prison system is an outstanding example of a behind-the-times affair, that is costing heavy losses, and that a correction should be made.

The Legislature is called upon to pass upon the issue of prison reform. Many of you have never seen the prison system. Ordinarily I am opposed to Legislatures taking the so-called junketing trips, but trips cannot be so characterized when they are necessary for the intelligent discharge of legislative duty. I would be glad if this Legislature would go in a body to our prison system and visit and inspect the Huntsville penitentiary, and every farm and every activity of the system.

Other States have succeeded in the operation of a prison system. The experience of these States is worth our consideration. I was not astonished, but ashamed, to hear members of the commission that visited the other systems say that Texas has the poorest prison system of any of the fifteen or twenty

States that the commission visited, but I did not doubt the correctness of their statement. This is not a political question, but it is an important economic problem. It is too big for any to use as a whetstone to sharpen a private political axe, and it is great enough to demand and receive the best thought of each of us.

You may not feel that the Centralization Commission has arrived at the ideal solution of the problem. In that event I make this suggestion: The time is coming when Texas is going to have to establish additional institutions. Present matters could scarcely be made worse. Try the suggestions of the Centralization Commission with the initial unit. If it doesn't prove to be a satisfactory step in prison reform, the investment will not be lost to the State because it can be used for other public needs. In past sessions of the Legislature I have said as much as I could say, or I know how to say, in behalf of prison reform. I have exerted the maximum of my abilities in behalf of accomplishing something worth while in this field. The responsibility rests with the Legislature, and if you leave Texas prison matters in their present deplorable state the responsibility shall be yours and not mine.

Report of Committee on Fee System.

While the fee system may stimulate the activity of the officers, its evils far outweigh the advantage gained by this added activity. The provision of the Constitution makes it impossible to abolish the fee system in this State, and any attempt to amend that provision would be bitterly opposed by practically every officer who is now compensated through the fee system. Many citizens would vote against such amendment with the misapprehension that under the fee system the violators of the criminal law are made to pay the cost of supporting our public officers. A more mistaken notion was never abroad in the land. When one considers the millions of dollars in fees for the collection of ad valorem taxes, the error of this conception is apparent. The fees of officers in felony cases are paid by appropriations from general revenues and the general revenues are raised by taxation. The fees of the tax assessors and collectors are likewise raised through the imposition of taxes. The present fee bill has been patched up and changed here and there to give a man here, and one yonder, more fees, until it is diffi-

cult for a lawyer to read the statute and understand it;

The committee which was appointed at the last session of the Legislature to investigate the operation of the fee system has gathered some rather interesting and illuminating facts. Their report states that they found that some officers were collecting and retaining in fees as much as \$22,000 a year. That is an excessive amount of remuneration for any office or any officeholder in Texas. The committee in its report has directed attention to some of the defects in the present law. You will also find in this report reference to the contract system that seems to have gained popularity recently for the collection of delinquent taxes; the committee reports that some counties have entered into contracts for the payment of excessive percentage for the collection of delinquent taxes. This imposes a burden upon the revenues of the State and the committee says that the State will pay this year \$500,000 more than a reasonable amount for the services of these contractors in the collection of delinquent taxes. The report is submitted to you for your consideration and for such legislative action as you think necessary or proper to correct the evils therein described.

For the present these two matters alone are submitted for your consideration. I have received requests for the submission of many subjects and in the nature of things all cannot be submitted. I do plan to submit other subjects of immediate importance for your consideration before the session adjourns, and I hope that I may be able to give each of you an opportunity to bring before the Legislature those local bills that are meritorious and of importance to some of you and to the community and the constituents you represent.

Respectfully submitted,
DAN MOODY.

At the conclusion of the reading of the Governor's message, the Senate retired to its Chamber.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time and referred to the appropriate committee, as follows:

Senate bill No. 2, to the Committee on Appropriations.

PAGES APPOINTED.

The Speaker announced the appointment of the following additional pages:

Hugh Smith, J. T. Patterson, William White, Steve Savos, Victor La Tulle, Ernest Elam, J. P. Wheelless.

ADJOURNMENT.

Mr. Albritton moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Tillotson moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Tillotson prevailed and the House, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

THIRD DAY.

(Wednesday, January 22, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Harper.
Acker.	Harrison.
Ackerman.	Heaton.
Albritton.	Hines.
Allred.	Hogg.
Anderson.	Hopkins.
Avis.	Hornaday.
Baker.	Hubbard.
Barnett.	Johnson
Bateman.	of Dallam.
Beck.	Johnson
Bond.	of Dimmit.
Bounds.	Johnson of Smith.
Bradley.	Johnson of Scurry.
Brice.	Jones.
Brooks.	Justiss.
Carpenter.	Kayton.
Chastain.	Keeton.
Coltrin.	Keller.
Conway.	Kennedy.
Cox of Lamar.	Kincaid.
Cox of Limestone.	King.
Davis.	Kinnear.
DeWolfe.	Land.
Dunlap.	Lee.
Enderby.	Lemens.
Eickenroht.	Long of Wichita.
Farrar.	Loy.
Finn.	Magge.
Finlay.	Mankin.
Forbes.	Marks.
Gates.	Martin.
Gilbert.	Maynard.
Giles.	McCombs.
Graves	McDonald.
of Williamson.	McGill.
Graves of Erath.	Metcalfe.
Hardy.	Minor.
Harding.	Moore.
Harman.	Morse.